

LIND JENSEN SULLIVAN & PETERSON  
ATTORNEYS AT LAW

March 12, 2018

Lewis Edward Byrd, III  
#657840  
Oshkosh Correctional Institution  
P. O. Box 3310  
Oshkosh, WI 54903

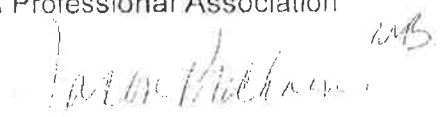
Re Lewis E. Byrd III v. Brandon Arenz  
Case No. 17-CV-191-JDP  
Our File 27186

Dear Mr. Byrd:

Enclosed herein and served upon you by U.S. Mail, please find Defendant's Response to Plaintiff's Motion for Discovery and Motion for Medical Records (Bates labeled ARENZ0001-ARENZ0182 and CD of video) in the above referenced matter.

Respectfully yours,

Lind, Jensen, Sullivan & Peterson  
A Professional Association

  
Jason R. Prochnow  
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JRP/mrb  
Enclosures



UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF WISCONSIN

Lewis Edward Byrd, III,

Plaintiff,

v

Brandon Arenz,

Defendant.

Civil Action No: 17-CV-191-JDP

**DEFENDANT'S RESPONSE TO  
PLAINTIFF'S MOTION FOR  
DISCOVERY AND MOTION FOR  
MEDICAL RECORDS**

TO: PLAINTIFF LEWIS EDWARD BYRD, III, #657840, OSHKOSH  
CORRECTIONAL INSTITUTION, P. O. BOX 3310, OSHKOSH, WI 54903:

NOW COMES, Defendant Brandon Arenz ("Arenz"), as and for his  
Response to Plaintiff's Motion for Discovery (and request for documents), dated  
February 5, 2018, and in Response to Plaintiff's Motion for Medical Records, dated  
February 14, 2018, and states as follows:

1. All internal documents, including but not limited to, training manuals  
of the Hillsboro Police Department, Elroy Police Department and the Vernon  
County Sheriff's Department, policy and practices materials, whether in physical  
or electronic form containing the phrases or pertaining to the subject of:

- a. High-speed chase or pursuit, exceeding posted speed limits (with  
reference to pursuing or following a suspect in a motor vehicle,  
criteria for initiating and/or terminating a high-speed chase or  
pursuit, deployment of tire spikes or any other form of suspect  
vehicle interception;

- b. Use of deadly force, firing or discharging of a service weapon;
- c. Multi-jurisdictional communication and/or cooperation in locating and/or apprehending suspects in a motor vehicle whether high speed is [cut off]; and
- d. Use of dash and body cam video equipment both manually and automatically.

**RESPONSE:** See attached Hillsboro Police Department Field Training and Evaluation Program training manual. See Arenz documents (00001-00050). This Defendant is not in possession of training manuals for other police departments or sheriff offices;

1a: See Arenz documents (00051-00058) for pursuit procedures and Arenz 00059-00061 for tire deflating road spike system procedure;

1b: See Arenz documents (00062-00065) for use of force guidelines;

1c: None; and

1d: None.

2. Any and all dash cam and body cam video and audio of any and all members of law enforcement, their vehicle or any vehicle and officers present or in any way involved in the underlying matters, including but not limited to, Officer Todd Kruger, Officer Brendan Arnez, Deputy Miltimore, Deputy Lawrence Howell, Deputy William Zirk, Sgt. Patrick Clark, Officer Ryan Williams, Officer Fredrick VonRuden, Sgt. Holtz, Chief Richardson, and Officer Groves Wooten.

**RESPONSE:** Please see dash cam video preserved from Arenz

squad car, produced in the attached CD along with Defendant's Bates marked documents identified herein. Defendant is not in possession with any other dash cam and/or body cam video for any of the other requested officers, and is not aware of any other video existing. Discovery continues.

3. Any and all sound files and notes pertaining to and transcriptions of any and all electronic means of communication (radio, cell phone) in any way involved in the underlying matter, including dispatch logs, records, transcriptions, and recordings

**RESPONSE:** None known to this answering Defendant. Discovery continues.

4. Service records of all responding law enforcement officers to be examined for:

- a. Use of deadly force, discharge of service weapon and/or;
- b. High-speed pursuit or chase or apprehension of suspect(s) in a motor vehicle determining whether any such incidents resulted in any warning, oral or written, or any disciplinary action or procedural disposition including Defendant's terms and cause for end of employment with the Hillsboro Police Department.

**RESPONSE:** See attached service records for Defendant Brandon Arnez. See Arenz documents (00066-00092). This Defendant is not in possession of any other service records for other law enforcement officers.

4a: See Arenz service records;

4b: See Arenz attached service records and notice of resignation dated 9/18/16.

5. All reports, transcripts, notes, radar of speed, and arrest records of Sgt. Butcher who was driving a red 2007 Buick with Minnesota plates registered to Mr. Byrd and was apprehended in Juneau County for a high-speed chase through Union Center shortly before Mr. Byrd's arrest.

**RESPONSE: None in the possession of this answering Defendant.**

6. Radar of speed for the Red 2013 Lexus that Mr. Byrd was driving, to determine Mr. Byrd's speed at the time of the shooting.

**RESPONSE: None in the possession of this answering Defendant, and/or known to this Defendant.**

7. Any and all eyewitness statements, dispositions and law enforcement notebook and other written entries concerning the events, including but not limited to, George Shumer, the civilian that pulled over at the scene of the shooting, and the unnamed witness who entered Mr. Byrd's vehicle to put it into park.

**RESPONSE: See attached police reports. See Arenz documents (00093-00182).**

8. Any and all photos, videos, and 3-D images made of the scene of Mr. Byrd and Officer Kruger's squad, including accident reports, any investigation reports done by the Wisconsin State Patrol traffic reconstruction units, and any and all reports by all agencies involved.

**RESPONSE: None known to this answering Defendant, other than**

the previously produced dash cam video and the photographs of Officer Kruger's squad car in Defendants Motion for Summary Judgment. Discovery continues.

9. Any and all reports and records of phone calls, text, emails and any and all other forms of communication to the DCI (Department of Criminal Investigations) pertaining to the investigation of this case.

**RESPONSE:** None in the possession of this answering Defendant, and/or known to Defendant. Discovery continues.

10. Any and all reports and records of forensic reports pertaining to the investigation of the officer involved shooting of Mr. Byrd. Any reenactment reports, all photos, video of Mr. Byrd's vehicle.

**RESPONSE:** See Arenz documents (00093-00182).

11. Any and all data downloaded from Mr. Byrd's 2013 Lexus computer system.

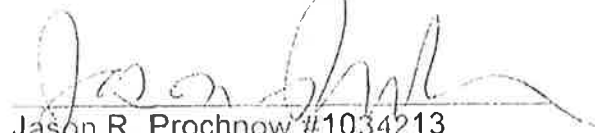
**RESPONSE:** None in the possession of this answering Defendant.

12. Plaintiff's motion/request for medical records.

**RESPONSE:** None in possession of Defendant Brandon Arnez in regard to the request for medical records pertaining to Brandon Arenz and/or Elroy Police Officer Todd Krueger. Discovery continues.

Dated: March 12, 2013

Lind, Jensen, Sullivan & Peterson  
A Professional Association

A handwritten signature in black ink, appearing to read "Jason R. Prochnow", written over a horizontal line.

Jason R. Prochnow #1034213

Attorneys for Defendant

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